

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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IVAN DOMINGUEZ,

Petitioner,

v.

BRIAN E. WILLIAMS, *et al.*,

Respondents.

Case No. 2:12-cv-01609-MMD-NJK

ORDER

This is a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Before the Court is petitioner's motion for appointment of counsel (dkt. no. 18).

There is no constitutional right to appointed counsel for a federal habeas corpus proceeding. *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987); *Bonin v. Vasquez*, 999 F.2d 425, 428 (9th Cir. 1993). The decision to appoint counsel is generally discretionary. *Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir. 1986), *cert. denied*, 481 U.S. 1023 (1987); *Bashor v. Risley*, 730 F.2d 1228, 1234 (9th Cir.), *cert. denied*, 469 U.S. 838 (1984). However, counsel must be appointed if the complexities of the case are such that denial of counsel would amount to a denial of due process, and where the petitioner is a person of such limited education as to be incapable of fairly presenting his claims. See *Chaney*, 801 F.2d at 1196; see also *Hawkins v. Bennett*, 423 F.2d 948 (8th Cir. 1970).

Here, it appears that the claims are somewhat complex. Additionally, petitioner is serving two consecutive sentences of twenty (20) years to life in prison. Accordingly, petitioner's motion for appointment of counsel is granted.

1 IT IS THEREFORE ORDERED that petitioner's motion for appointment of
2 counsel (dkt. no. 18) is GRANTED.


3 IT IS FURTHER ORDERED that the Federal Public Defender for the District of
4 Nevada ("FPD") is appointed to represent petitioner.

5 IT IS FURTHER ORDERED that the Clerk shall ELECTRONICALLY SERVE the
6 FPD a copy of this order, together with a copy of the petition for writ of habeas corpus
7 (dkt. no. 6). The FPD shall have thirty (30) days from the date of entry of this order to
8 file a notice of appearance or to indicate to the Court its inability to represent petitioner
9 in these proceedings.

10 IT IS FURTHER ORDERED that, after counsel has appeared for petitioner in this
11 case, the Court will issue a scheduling order, which will, among other things, set a
12 deadline for the filing of a first amended petition.

13 IT IS FURTHER ORDERED that respondents' motion to dismiss (dkt. no. 8) is
14 DENIED without prejudice to the filing of a new or renewed motion to dismiss once an
15 amended petition is on file.

16 DATED THIS 8th day of April 2013.

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20 MIRANDA M. DU
21 UNITED STATES DISTRICT JUDGE
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